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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,525	02/21/2002	Michael J. Wissner	16319-05906	1035
758	7590	05/05/2005	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			WASSUM, LUKE S	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,525

Applicant(s)

WISSNER ET AL.

Examiner

Luke S. Wassum

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The Applicants' amendment, filed 13 April 2005, has been received, entered into the record, and considered.
2. As a result of the amendment, claims 1-7, 9-11, 15-17, 21, 23-25, 27, 28, 30-32, 34, 35, 37-39, 41 and 42 have been amended. Claims 1-42 remain pending in the application.

The Invention

3. The claimed invention is a database management system including request handler modules, a master control module and a plurality of database servers. The master control module assigns database servers to databases and matches client database requests (relayed from request handler modules) to the database server which has been assigned the requested database, while the request handler modules receive requests from clients and after receiving database server information from the master control module, passes the request to the database server assigned to the desired database.

Response to Arguments

4. The Applicants' arguments regarding the pending claims and the applicability of the **Rierden et al.** reference (U.S. Patent 5,978,577), the examiner finds these arguments persuasive. As such, the finality of the last action is withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-42 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention.

7. The following prior art has been discovered by the examiner supporting the conclusion that the features claimed in the instant application were in public use or on sale at least as early as 11 December 2000 as part of the Intuit QuickBase product. Since the product was in public use or on sale more than 1 year prior to the application date of the instant application (21 February 2002), all claims are rejected under the public use/on sale provisions of 35 U.S.C. § 102(b).

8. In order to traverse this rejection, the Applicants must provide evidence that the features claimed in the instant invention were not part of the initially released Intuit QuickBase product, but were enhancements that were implemented as part of a new version that was released no earlier than 21 February 2001.

9. Vaidya ("Intuit Unveils Web-Based Database Tool") describes the features of the QuickBase product, as well as pricing, as of 11 December 2000, and also discloses that an alpha version of the product was in use one and a half years prior.

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10. **BusinessWire** ("Intuit Unveils Web-Based Tool for Sharing Information") discloses that Intuit introduced QuickBase on 11 December 2000, and was immediately available via the web page www.quickbase.com, as well as describing the features of the product and providing customer examples based upon some of the product testers.
11. **Hogan** ("A Quick Study: Intuit's New QuickBase Service") is a product review of the Intuit QuickBase product, describing features and pricing as of the March 2001 issue, published 1 February 2001.
12. **Wildstrom** ("Online Software Finally Gets Useful") is a product review of the Intuit QuickBase product, describing features and pricing as of 5 February 2001.
13. **Muse** ("QuickBase Goes Corporate") discloses the release of a new Corporate Version of Intuit's QuickBase, along with a description of features, enhancements and pricing, and a disclosure that as of 8 April 2002, the QuickBase web-based service had been launched two years prior.
14. **Intuit** ("QuickBase in the News") is a list of articles about Intuit's QuickBase product, including two that were published more than one year prior to the application date of the instant application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 571-273-4119.

Customer Service for Tech Center 2100 can be reached during regular business hours at (571) 272-2100, or fax (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Luke S. Wassum
Primary Examiner
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